BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MARCH 9, 2021

Regular | **REMOTE/VIRTUAL** | **7:00 PM**

Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757

I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 PM

II. **Board Policy:** Chairman Widdis advised the public of the below Board policies:
•It is Board Policy that no application will be opened after 9:30 P.M.
•No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 22, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. Ms. Smith then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.

IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.

V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Remote	
James Whitson	Vice Chairman	Remote	
Patty Cooper	Mayor's Designee	Remote	
Thomas Tvrdik	Class III	Remote	
Joseph Foster	Environmental Committee Liaison	Remote	
John (Jack) Kahle	Class IV	Remote	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Remote	
Darren Davis	Class IV	Remote	
Michael Dailey	Alternate I	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	

VI. **Board Business:**

1. Approval of Minutes - Oct 27, 2020

RESULT:	**ACCEPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg
ABSTAIN:	Davis
ABSENT:	Savarese, Dailey

2. Approval of Minutes - Feb 23, 2021

RESULT:	**ACCEPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis
ABSTAIN:	Tvrdik
ABSENT:	Savarese, Dailey

3. Approval of Minutes - Special - Mar 2, 2021

RESULT:	**ACCEPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg
ABSTAIN:	Davis
ABSENT:	Savarese, Dailey

4. Report of Pending Applications

Ms. Smith advised of upcoming applications for the March 16th, March 23, and April 13 meetings and when plans would be available.

5. Mandatory Training - Protection & Safe Treatment of Minors

Ms. Smith advised of State law passed last year - Protection & Safe Treatment of Minors Act, mandates for local government officers, including volunteers, and the need to watch advisory video and submit acknowledgment forms.

VII. Old Business:

1. PB2020-32 Rosenbloom, Matthew CARRIED from January 26, 2021

47 Tecumseh Avenue
Block 8, Lot 26
Variance relief for impervious coverage

EXHIBITS:
A-7 Assignment of Application
A-8 Applicant's Correspondence dated Feb. 23, 2021
A-9 Revised Plan, prepared by KEE Engineering Enterprises, last revised Feb. 22, 2021

Ms. Smith advised for the record that the Applicant, Matthew Rosenbloom, had completed an Affidavit of Assignment, assigning the application over to the current property owner, John O'Shaughnessy, as the Board had requested at the last meeting.

Councilman Tvrdik stated for the record that Mr. Rosenbloom had reached out to him after the last hearing for clarification on suggestions he had offered to make the application better and for him to meet with the property owners but he declined so he'd be comfortable continuing with participating in the hearing and advised Mr. Rosenbloom that the Board made it clear that they wanted the impervious coverage reduced.

William White, Board Engineer/Planner was sworn in. Mr. Kennedy stated this application was continuing from meetings on December 16, 2020 and January 26, 2021 and asked Ms. Smith if there were eligible Board members which she advised everyone present was eligible to participate. Mr. Kennedy then described and marked **Exhibits A-7, A-8** and **A-9**.

John O'Shaughnessy summarized his understanding of the previous hearings, provided the history of their involvement after contracting to purchase and a temporary certificate of occupancy issued subject to obtaining a variance for impervious coverage. Mr. O'Shaughnessy testified that the existing impervious coverage was at 58.3% and based on the Board's feedback at previous meetings had submitted a revised plan proposing the removal of the pathways on each side of the property that reduces the impervious coverage to 53.3%.

Chairman Widdis invited questions from the Board.
Ms. Cooper asked and received clarification concerning the highlighted plan versus the current plan.
Mr. Foster asked all of the shaded areas on the plan are being removed bring the coverage to 53.3% and was told yes.
Councilman Tvrdik commented that the yellow highlighted plan indicated that the coverage was 50.3% before Mr. Rosenbloom did the work and it was his recommendation that some of the asphalt by the condenser could be pulled and bring it closer to the 50.3. Mr. O'Shaughnessy responded that the portion of the driveway had a 12" drop from concrete curb to driveway and would require fill and would require additional work on the gutter runoff to put drain under the driveway and it was their preference not to touch the driveway.

Mr. Kleiberg asked what material would replace the paver removal and was told rocks.
Mr. Davis commented that it was a shame to meet them under these circumstances, but at the last meeting he was pretty clear that he wanted the coverage reduced to 50.3% and didn't care how he accomplished that if he was able to demonstrat that without touching the driveway.
Mr. O'Shaughnessy asked if the Board would be inclined if they were to remove all walkways to get to the 50%
Mr. Whitson asked the Applicant has agreed to lower the coverage to 50.3% and was told yes.
Mr. Kahle commented that he didn't think the removal of the front walkway was the best way to reduce the coverage and that Mr. Rosenbloom should be held financially accountable for the work without the permits.
Chairman Widdis stated he agreed with Mr. Kahle and he was ok with the 53.3% being proposed taking into consideration of the lot, its history, the aesthetics of the improvements and he thought the additional 3% was minutia.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public for this witness. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Chairman Widdis asked for comments from the Board.
Councilman Tvrdik commented that he agrees with Mr. Kahle, it was testified that Mr. Rosenbloom was taking care of the issues further he disagreed with the Chairman's comments that 3% is minutia and promotes a "do the work and ask for forgiveness later" and sets a bad example. He believe they can get there in a reasonable way and is sorry that they have to go through this.
Mr. Davis stated he was in full agreement with Councilman Tvrdik.
Ms. Cooper commented that she was sorry they were in the situation but concurs with Councilman Tvrdik and Mr. Rosenbloom should be responsible for this.
Mr. Kahle agreed and would like to see the coverage lowered but from the left side of the home not the front walkway.
Mr. Foster commented it was a small lot and under the conditions, regardless of whose responsible, but it considers it a hardship and didn't believe the 3% was a deal breaker and the municipal land use law provides for exceptions, they made an effort to reduce it reasonably.
Mr. Kleiberg agreed with a lot of what was said and Mr. Rosenbloom should be responsible.
Chairman Widdis commented that they had been placed in a bad position, appreciated their efforts to resolve the issue.

Mr. O'Shaughnessy stated that they would redo all the pathways to permeable pavers to bring it down to 50%.
Mr. Kennedy discussed conditions for approval, obtain all gas and other permits, revise plan to show coverage reduced to 50% and a deadline of June 30, 2021 to complete and resolve.

PUBLIC:

Chairman Widdis opened the meeting to comments from the public on the application. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application as Amended to 50.3% Impervious Coverage with Conditions

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Davis
ABSENT:	Kleiberg, Dailey

VIII. New Business:

1. PB2020-34 Kohler, Arno

78 Iroquois Avenue
Block 8, Lot 11.02
Bulk Variance for construction of inground swimming pool

EXHIBITS:
A-1 Land Development Application
A-2 Photos of Rear Yard, 5 Sheets, prepared by Applicant, undated
A-3 Pool Grading Plan, prepared by Mid-State Engineering Inc., last revised Nov. 3, 2020
A-4 Survey of Property, prepared by Landmark Engineering,
A-5 Review Letter prepared by Colliers Engineering & Design dba Maser Consulting, dated Feb. 11, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4 and A-5. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

Arno Kohler, owner and Applicant, was sworn in. Mr. Kohler provided testimony describing his application to install a swimming pool, described the property's characteristics, dimensions of the proposed pool – 16'x28'; pool equipment pad and paver apron; variance relief being sought for 43.48% impervious coverage where a maximum of 37% allowed. Mr. Kohler reviewed comments from Exhibit A-5, testified that they will have no overhead lighting or spillage onto the neighbors – they may want to install ground level accent lighting but nothing overhead; it was confirmed that a certified copy of the Landmark survey was on file; displaying photos of rear yard described the existing catch basin which receives drainage from property rear of Applicant's as well as additional neighbors surrounding it; backyard is sloped into the swale that leads to the catch basin; the pool and pavers will exceed the impervious coverage however the proposed grading plan will direct runoff to the basin; proposed installation of additional arborvitaes; opined that the unintended benefit of the proposed improvements will eliminate the need for fertilization and pesticide of that area reducing the runoff of those materials to the river; testified that the surround neighborhood also contains similar properties with pools and hot tubs and didn't believe it would impact the character of the neighborhood.

Chairman Widdis asked for Mr. White's comments. Mr. White described for the Board the drainage system of area properties which drains to Blackberry Bay; low perc due to the ground soils of the area and high water tables; believes the impact would be minimal and the Applicant had addressed his concerns.
Chairman Widdis asked for questions from the Board.
Mr. Kahle asked questions about the slope of the property and drainage patterns and if water was directed away from the neighbors. Mr. Kohler responded that the surrounding neighbors, some of which sit higher than his property actually drain to his property.
Mr. Davis asked questions about the fence and pavers if the Applicant felt he had made every attempt to lower the impervious coverage. Mr. Kohler answered there was some room if he reduced the patio size but hadn't given it a great deal of thought but could eliminate the small paver section on the west side – 1 ½' x 30' long. Mr. White expressed concern for removal of that because the need for the straps and the coping in the winter time.
Mr. Kleiberg asked where the catch basin dump to and was told down along Monmouth Boulevard and drops into Blackberry Bay; does it back up and was told, it does at times; goes through a pipe at the end of Shrewsbury Ave that the County maintains.
Councilman Tvrdik asked Mr. White about the soils, clay and perc and if having the pool would help with the drainage. Mr. White answered he hadn't done any calculations but it was smaller than the pavers and may lessen impact temporarily.
Mr. Foster commented on swales, the catch basin and expressed concern for the recharge – its still a little bit of an issue but could be alleviated by a wet garden and asked if the Applicant would consider putting one in – a rain garden that has plants that thrive on catching rainwater. Mr. White stated he would rather see the swale be maintained to drain to the catch basin and not place fill in the swale which leads to problems upstream.
Ms. Cooper stated her questions had been answered and she didn't see any way to cut down the patio.
Chairman Widdis stated he had no questions but urged the Applicant be mindful of any lighting.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public for this witness. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

PUBLIC:

Chairman Widdis opened the meeting to comments on the application from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Savarese, Dailey

2. PB2020-33 Torregrossa, Andrew

95 Algonquin Ave
Block 18, Lot 12
Variance relief for construction of attached garage and mudroom

EXHIBITS:
A-1 Land Development Application
A-2 Survey of Property, prepared by Charles Surmonte, PE, PLS, dated August 27, 2012
A-3 Site Plan, 2 Sheets, prepared by Jeremiah J. Regan, AIA, dated January 31, 2020, last revised Sept. 21, 2020
A-4 Review letter prepared by Colliers Engineering & Design d/b/a Maser Consulting, dated Jan. 12, 2021
A-5 Colored Rendering of Proposed Residence, prepared by Jeremiah J. Regan, AIA, dated Dec. 2020

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Mr. White was sworn in. Mr. Kennedy then described and marked **Exhibits A-1, A-2, A-3, A-4** and **A-5**. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

The following persons were sworn in: Andrew Torregrossa, Applicant/Owner and Jeremiah Regan, Architect.

Mr. Torregrossa described his application for two variances for lot coverage and impervious coverage for the addition of an attached garage and mud room; provided history of his ownership, expanding family, need for additional space with three kids, a loft space for storage above the garage; due to vaulted bedrooms on 2nd floor there's no storage in attic.

Jeremiah Regan, Applicant's Architect, having previously been before the Board on several occasions was accepted by the Board. Mr. Regan described the existing conditions of the site, the proposed improvements, dimensions, elevations of existing first floor 11.4, proposed finish floor of mud room of 12.5 which meets Oceanport's requirements in a flood zone; no basement, attic is vaulted and contains mechanicals so no area for storage; height of proposed garage being about 5' lower than the existing house which was approximately 24'. Mr. Regan testified that the initial project would have been over 40% lot coverage so they reduced the project footprint to bring it under 40%. Mr. Regan referring to Exhibit A-5 described the improved appearance of the home.

Chairman Widdis asked for questions from the Board.

Ms. Cooper commented it was a beautiful plan and didn't see anywhere that it could be further reduced without impacting other bulk requirements.

Mr. Foster asked about the space over the garage with two windows would all be storage and was told yes; no plans to make it living space and was told no; would be there mechanicals in the loft area and was told yes, they would like climate control equipment which was not feasible from the existing attic.

Councilman Tvrdik echoed Ms. Cooper's comments about the pathway in the back, the shed, and for the principle building coverage and the deck is attached, if it were detached it would bring down the coverage. Councilman Tvrdik commented that if the work exceeds 50% of the assessed value they would need to elevate the house. Mr. White advised that there is currently no "look back" period on the ordinance at this time.

Mr. Davis had no questions but commented to make sure they used a platform for the AC equipment.

Mr. Whitson asked if the loft area would have running water and was told no.

Chairman Widdis asked the loft would be insulated, heated, a.c. and have electric and was told yes, for easy access for the kids and wanted it to be a walk-up storage area.

Mr. Davis asked if they heat and insulate it didn't it become a living space. Mr. Kleiberg stated no. Mr. White commented that was more UCC.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public for this witness. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Savarese, Dailey

IX. **Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public presented, Chairman Widdis closed that portion of the meeting.

X. **Adjournment:** As there was no further business, the meeting was adjourned at 9:05 pm on a motion by Ms. Cooper which was seconded by Councilman Tvrdik and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary